

110TH CONGRESS
1ST SESSION

H. R. 3521

To improve the Operating Fund for public housing of the Department of
Housing and Urban Development.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2007

Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Ms. WATERS) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To improve the Operating Fund for public housing of the
Department of Housing and Urban Development.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Housing Asset
5 Management Improvement Act of 2007”.

6 **SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND**
7 **RELATED FEES.**

8 (a) MANAGEMENT AND RELATED FEES.—Except as
9 provided in subsection (c) of this section, the Secretary
10 shall not impose any restriction or limitation on the

1 amount of management and related fees with respect to
 2 a public housing project if the fee is determined to be rea-
 3 sonable by the public housing agency, unless such restric-
 4 tion or limitation imposed by the Secretary on such fees—

5 (1) is determined pursuant to a negotiated rule-
 6 making which is convened by the Secretary no ear-
 7 lier than April 1, 2009, and in accordance with sub-
 8 chapter III of chapter 5 of title 5, United States
 9 Code, with representatives from interested parties;
 10 and

11 (2) is effective only on or after January 1,
 12 2011.

13 (b) INCREASE OF THRESHOLD FOR EXEMPTION
 14 FROM ASSET MANAGEMENT REQUIREMENTS.—Except as
 15 provided in subsection (c) of this section, any public hous-
 16 ing agency that owns or operates fewer than 500 public
 17 housing units under title I of the United States Housing
 18 Act of 1937 may elect to be exempt from any asset man-
 19 agement requirement imposed by the Secretary.

20 (c) EXCEPTION FOR PHAS SEEKING A DISCONTINU-
 21 ANCE IN OPERATING FUND REDUCTIONS.—Subsections
 22 (a) and (b) shall not apply to any public housing agency
 23 during the period that the agency is seeking, pursuant to
 24 subpart F of part 990 of title 24 of the Code of Federal
 25 Regulations, a discontinuance of a reduction in the

1 amount of the operating fund allocation for the agency
 2 under section 9(e) of the United States Housing Act of
 3 1937 (42 U.S.C. 1437g(e)) or after the agency is success-
 4 ful in obtaining a discontinuance of the reduction.

5 **SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF**
 6 **CAPITAL FUND AMOUNTS.**

7 The Secretary of Housing and Urban Development
 8 shall not impose any requirement, regulation, or guideline
 9 relating to asset management that restricts or limits in
 10 any way the use by public housing agencies of amounts
 11 for Capital Fund assistance under section 9(d) of such
 12 Act, pursuant to paragraph (1) or (2) of section 9(g) of
 13 the United States Housing Act of 1937 (42 U.S.C.
 14 1437g(g)), for costs of any central office of a public hous-
 15 ing agency.

16 **SEC. 4. TENANT PARTICIPATION.**

17 (a) RULE OF CONSTRUCTION.—This Act may not be
 18 construed to repeal or waive any provision of part 964 of
 19 title 24 of the Code of Federal Regulations, regarding ten-
 20 ant participation and tenant opportunities in public hous-
 21 ing. The Secretary of Housing and Urban Development
 22 shall ensure that public housing agencies encourage the
 23 reasonable efforts of resident tenant organizations to rep-
 24 resent their members or the reasonable efforts of tenants
 25 to organize.

1 (b) GUIDANCE.—Guidance issued by the Secretary of
2 Housing and Urban Development shall encourage partici-
3 pation by residents in the implementation of asset man-
4 agement and the development of local policies for such
5 purposes.

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